

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN K BOROWSKI, JR,

Plaintiff,

v.

Case No. 22-cv-0106-bhl

JULIE A MAULE,
TRISHA L SIZEMORE,

Defendants.

ORDER VACATING DISMISSAL AND REMANDING THE CASE

On April 6, 2022, the Court entered an Order and Judgment dismissing this case for lack of jurisdiction under the *Rooker-Feldman* doctrine. (ECF Nos. 16, 17.) On April 11, 2022, Plaintiff John Borowski filed a motion for reconsideration pursuant to Fed. R. Civ. P. 59(e). (ECF No. 18.) Borowski contends that the case should have been remanded to state court, where it originated, rather than dismissed outright. (*Id.* at 3.) The Court agrees. Under the *Rooker-Feldman* doctrine, this Court lacks subject matter jurisdiction over Borowski's claims because they represent a collateral attack on a state court proceeding that was judicial in nature. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). Borowski did not seek money damages from Defendant Commissioner Julie Maule; he merely sought to upset her judicial determinations. (ECF No. 1-1 at 15.) A federal district court does not have the authority to entertain such a claim. *See Jackson v. Gardner*, No. 93-3539, 1994 WL 684041, *1 (7th Cir. Dec. 7, 1994). But this limitation on jurisdiction does not apply to the state court where this case was originally filed. Therefore, the action should have been remanded to that court for further proceedings, rather than dismissed. It is up to the state court to rule on the merits (or lack of merit) of Borowski's claims.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration (ECF No. 18) is **GRANTED**. The Court's Order and Judgment (ECF Nos. 16, 17) are **VACATED**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to remand this case to the Third Judicial Circuit of the State of Wisconsin Washington County Circuit Court from which it was removed.

Dated at Milwaukee, Wisconsin on April 13, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge